

United States District Court
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.
JUAN AGUILERA-ZURITA

Criminal Complaint

CASE NUMBER: 07-07m-MPT

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about January 12, 2007, in the State and District of Delaware, Defendant Juan Aguilera-Zurita, an alien and subject of Mexico, was found in the United States, after having been removed therefrom on or about October 25, 2005, at or near Brownsville, TX, subsequent to an aggravated felony conviction, and defendant was knowingly in the United States unlawfully, and prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, expressly consented to Defendant's reapplying for admission to the United States; in violation of 8 U.S.C. § 1326(a) &(b)(2).

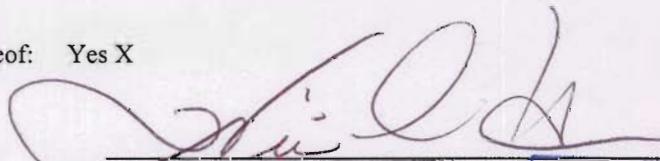
I further state that I am a(n) Special Agent, Department of Homeland Security, ICE and that this complaint is based

Official Title

on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof: Yes X

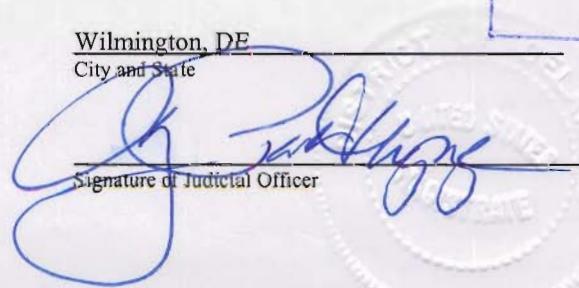

Signature of Complainant
William O. Horn
Special Agent, ICE


FILED
JAN 16 2007
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Sworn to before me and subscribed in my presence,

January 16, 2007 _____ at _____
Date

Honorable Mary Pat Thyne
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

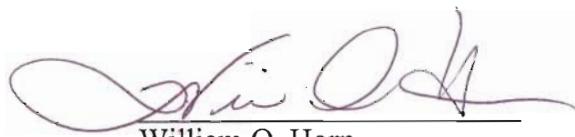


AFFIDAVIT

I, William O. Horn, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.
2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.
3. On January 12, 2007, ICE Agents encountered Juan AGUILERA-Zurita at his residence in Wilmington, Delaware, in the District of Delaware.
4. ICE and Criminal database checks revealed that Juan AGUILERA-Zurita had been convicted of Aggravated Assault in Chester County, PA, and was sentenced to 11 ½ to 23 months' incarceration. This constitutes a conviction for an Aggravated Felony, as defined in Title 8, United States Code, 1101(a)(43)(F). The record checks also disclosed that the subject had been deported from the United States in 2005.
5. On January 12, 2007, Juan AGUILERA-Zurita was fingerprinted on ICE's Integrated Automated Fingerprint Identification System (IAFIS). IAFIS identified the fingerprints as those of Juan AGUILERA-Zurita, FBI Number 482624VB7. Several variations of his name and several nicknames are listed as aliases.
6. On or about January 16, 2007, your affiant advised Juan AGUILERA-Zurita of his rights and interviewed him under oath at the ICE office in Dover, DE. Juan AGUILERA-Zurita advised your affiant that his true and correct name was Juan AGUILERA-Zurita, that he is a citizen of Mexico and that he had previously been removed from the United States. When asked, AGUILERA-Zurita stated that he had not requested or obtained permission to reapply for admission to the United States.
7. Your affiant has reviewed the alien file, A73 514 929, relating to Juan AGUILERA-Zurita, and found that the file contains an executed Form I-205, showing that AGUILERA-Zurita was removed from the United States to Mexico on October 25, 2005 at Brownsville, TX. Your affiant found no evidence of any filings for permission to reapply for admission to reenter the United States after having been removed.

WHEREFORE, your affiant avers there is probable cause to believe that Juan AGUILERA-Zurita, a citizen and national of Mexico, was previously removed by ICE to Mexico on October 25, 2005, and that, prior to his reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).



William O. Horn
Special Agent
U.S. Immigration & Customs Enforcement